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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,552

05/03/2005

Masako Ninomiya

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EXAMINER

DUNN, MISHAWN N

ART UNIT

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2621

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,552	<b>Applicant(s)</b> NINOMIYA ET AL.	
	<b>Examiner</b> MISHAWN DUNN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,9-11,13-15,18,19,26-28,31,32,35 and 36 is/are rejected.
- 7) ☒ Claim(s) 3-8,12,16,17,20-25,29,33 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/05,6/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 35 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 35 defines a storage media management program embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 9, 10, 13, 18, 19, 26, 27, 30, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (US Pub. No. 2002/0097984) in view of Temma et al. (US Pat. No. 5,260,801).
4. Consider claim 1. Abecassis teaches a storage media management apparatus to and from which a plurality of storage media are connected and disconnected, comprising: a management information generating unit operable to generate a plurality of pieces of management information in correspondence to the content parts, each

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piece of management information including (a) reconstruction information for reconstructing the content by concatenating a corresponding content part with the other content parts, and (b) individual information for making the corresponding content part individually usable (paras. 0160-0167; figs. 5B-5E, 6A-6D); a writing unit operable to write each content part together with a corresponding piece of management information, to a different one of the storage media (para. 0753); and a reconstruction judging unit operable, when a content part stored in one of the storage media is to be used, to judge whether the content is to be reconstructed and made usable, or the content parts are to be individually made usable, based on the piece of management information stored in each storage medium (paras. 0186-0190).

Abecassis does not teach a dividing unit operable to divide a content into a plurality of content parts, for storing the content as being divided into a plurality of storage media.

However, Temma et al. teaches a dividing unit operable to divide a content into a plurality of content parts, for storing the content as being divided into a plurality of storage media (abstract; col. 1, lines 39-44).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to divide a content into a plurality of content parts, for storing the content as being divided into a plurality of storage media, in order to attain the recording of a broad band color video signal on a recording medium.

5. Consider claim 2. Abecassis teaches an apparatus of claim 1, further comprising: a reading unit operable to read the pieces of management information from storage

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media that have been connected; and a program information generating unit operable to generate, based on reconstruction information included in each piece of management information read by the reading unit, reconstruction program information for presenting the content as one program, when the reconstruction judging unit judges that the content is to be reconstructed and made usable (paras. 0168-0170).

6. Consider claim 9. Abecassis teaches the storage media management apparatus of claim 2, further comprising a presenting unit operable to present the content as being usable, when the program information generating unit generates the reconstruction program information for presenting the content (fig. 6E).

7. Consider claim 10. Temma et al. teaches the storage media management apparatus of claim 9, further comprising a medium configuration presenting unit operable to present information indicating which one of the storage media stores each content part (fig. 13).

8. Consider claim 13. Temma et al. teaches the storage media management apparatus of claim 1, wherein the individual information includes at least an identifier for uniquely identifying a corresponding content part, and position information indicating a position at which the corresponding content part is stored in a storage medium, and the reconstruction information includes at least an identifier for uniquely identifying the content, total number information indicating a total number of the content parts, and sequence number information indicating a sequence number given to a corresponding content part among sequence numbers given sequentially to all the content parts (col. 1, lines 50-55; fig. 13).

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9. Consider claim 36. Abecassis teaches a system LSI that controls a storage media management apparatus, wherein the system LSI executes the storage media management program of claim 35 (fig. 1).

10. Claims 18, 19, 26, 27, 30, and 35 are rejected using similar reasoning as the corresponding claims above.

11. Claims 11 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (US Pub. No. 2002/0097984) in view of Temma et al. (US Pat. No. 5,260,801) in further view of Yamagishi (US Pat. No. 7,268,800).

12. Consider claim 11. Abecassis and Temma et al. teach all claimed limitations as stated above, except a warning unit operable to, when a storage medium storing one of the content parts is to be disconnected, warn that the content is made unusable after the disconnection.

However, Yamagishi teaches a warning unit operable to, when a storage medium storing one of the content parts is to be disconnected, warn that the content is made unusable after the disconnection (col. 8, lines 21-30).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to warn that the content is made unusable after the disconnection, in order to warn the user that recording cannot be done.

13. Claim 28 is rejected using similar reasoning as the corresponding claim above.

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14. Claims 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (US Pub. No. 2002/0097984) in view of Temma et al. (US Pat. No. 5,260,801) in further view of Hirose (US Pat. No. 6,205,580).

15. Consider claim 14. Abecassis and Temma et al. teach all claimed limitations as stated above, except wherein the dividing unit does not divide the content when a data amount of the content is smaller than a capacity of an unused storage area of one of the storage media, and divides the content into the plurality of content parts when the data amount of the content is larger than a capacity of an unused storage area of each of the storage media, and the writing unit writes each content part to a different one of the storage media, when the dividing unit divides the content, and writes the content to a storage media that has an unused storage area whose capacity is larger than the data amount of the content, when the dividing unit does not divide the content.

However, Hirose teaches wherein the dividing unit does not divide the content when a data amount of the content is smaller than a capacity of an unused storage area of one of the storage media, and divides the content into the plurality of content parts when the data amount of the content is larger than a capacity of an unused storage area of each of the storage media, and the writing unit writes each content part to a different one of the storage media, when the dividing unit divides the content, and writes the content to a storage media that has an unused storage area whose capacity is larger than the data amount of the content, when the dividing unit does not divide the content (col. 5, lines 31-42).

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Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to divide the content into the plurality of content parts when the data amount of the content is larger than a capacity of an unused storage area of each of the storage media, in order to prevent losing data.

16. Claim 31 is rejected using similar reasoning as the corresponding claim above

17. Claims 15 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (US Pub. No. 2002/0097984) in view of Temma et al. (US Pat. No. 5,260,801) in further view of Hirose (US Pat. No. 6,205,580) in further view Okayasu et al. (US Pat. No. 7,240,081).

18. Consider claim 15. Abecassis, Temma et al. and Hirose teach all claimed limitations as stated above, except wherein the writing unit includes a selecting unit operable to select a storage medium whose unused storage area has the largest capacity among the plurality of storage media.

However, Okayasu et al. teaches wherein the writing unit includes a selecting unit operable to select a storage medium whose unused storage area has the largest capacity among the plurality of storage media (col. 8, lines 51-58).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to select a storage medium whose unused storage area has the largest capacity among the plurality of storage media, in order to avoid unnecessarily dividing the data among a plurality of storage media.

19. Claim 32 is rejected using similar reasoning as the corresponding claim above.

***Allowable Subject Matter***

20. Claims 3-8, 12, 16, 17, 20-25, 29, 33, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/  
Examiner, Art Unit 2621  
June 12, 2009

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621